PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of one month to and including May 30, 2001 in which to respond to the Office Action dated January 30, 2001. Pursuant to 37 C.F.R. § 1.17, a check in the amount of $55.00 is enclosed, which is/includes the process fee ($55.00) for a one-month extension of time. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Deposit Account No. 50-1212/10005331/VBLT:002//SLH. Please reconsider the application in light of the following remarks.

REMARKS

I. Status of Claims

Claims 1-74 are pending in the application, and claims 11-74 are withdrawn pursuant to a restriction requirement. Claims 1-6 have been examined as reading on applicants elected species. Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Nishimura et al. (Biochemical and Biophysical Research Communications 227, 750-754 (1996)) and Niiro et al. (Biochemical and Biophysical Research Communications 230, 356-359 (1997)).

II. Rejection Over Nishimura et al.

Claims 1-6 are rejected under §102(b) over Nishimura et al. ("Nishimura"). According to the examiner, Nishimura teaches an isolated peptide of about 7 to 100 amino acid residues

comprising a viral fusion protein binding domain of the RhoA protein. In particular, the examiner points to Figure 3 at page 752. Applicants respectfully traverse.

The broadest of the present claims is claim 1, which is reproduced below:

1. An isolated peptide of about 7 to about 100 amino acids comprising a viral fusion protein binding domain of the RhoA protein.

This claim recites an isolated peptide. In addition, the claim language qualifies what sequences are included in the peptide – a viral fusion protein binding domain of RhoA. Nishimura does not disclose an isolated peptide, nor does it identify a viral fusion protein binding domain of the RhoA protein.

Nishimura only teaches a partial nucleotide sequence obtained by direct sequencing of PCR products. The authors' purpose was to investigate, by RT-PCR, the mRNA expression of RhoA in various porcine tissues. To demonstrate the specificity of the RT-PCR, the results of the direct sequencing of the PCR products were illustrated in Figure 3. The amino acid sequence included in the figure was predicted from the nucleotide sequence, which was obtained from a larger nucleic acid. The authors' never made a peptide corresponding to the predicted sequence, nor did they suggest making the peptide. Nishimura merely teaches a partial nucleotide sequence; therefore, it cannot be anticipatory of the present claims.

It is black letter law that an anticipatory reference must disclose each and every element of the claimed invention. One need only go as far as claim 1 of the present application to see that Nishimura fails in that regard. There is no disclosure of an isolated peptide, nor is there disclosure of a viral fusion protein binding domain of the RhoA protein. Without such

disclosure, the rejection must fail. Reconsideration and withdrawal of the rejection is respectfully requested.

III. Rejection over Niiro et al.

Claims 1-6 are rejected under §102(b) over Niiro et al. ("Niiro"). According to the examiner, Niiro teaches an isolated peptide of about 7 to 100 amino acid residues comprising a viral fusion protein binding domain of the RhoA protein. In particular, the examiner points to Figure 3 at page 358. Applicants respectfully traverse.

As described above, the claim recites an isolated peptide including a viral fusion protein binding domain of the RhoA protein. Niiro does not disclose an isolated peptide, much less one identified as including a viral fusion protein binding domain of the RhoA protein.

Niiro only teaches a partial nucleotide sequence obtained by direct sequencing of PCR products. Like Nishimura, the authors' purpose was to investigate, by RT-PCR, the mRNA expression of RhoA in the rat myometrium during pregnancy. To demonstrate the specificity of the RT-PCR, the results of the direct sequencing of the PCR products were illustrated in Figure 3. The amino acid sequence included in the figure was predicted from the nucleotide sequence. The authors' never made the peptide, nor did they suggest making the peptide. Niiro merely teaches a partial nucleotide sequence; therefore, it cannot be anticipatory of the present claims.

Thus, applicants conclude by reiterating that the requirements for anticipation are absolute – the reference must teach each and every limitation of the claimed invention. The examiner has not identified, in Niiro, any disclosure of an isolated peptide of about 7 to about